



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/926,541	02/11/2002	Dan Salomonsson	216096US6PCT	7775
22850	7590	10/20/2003	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			MCANULTY, TIMOTHY P	
			ART UNIT	PAPER NUMBER
			3682	

DATE MAILED: 10/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/926,541

Applicant(s)

SALOMONSSON ET AL.

Examiner

Timothy P McAnulty

Art Unit

3682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 October 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 15-18, 20, 21, 23 and 25-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 15-18, 20, 21, 23 and 25-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 15-17,20,21,23, and 25-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP 0 489 966 A1.

EP 0 489 966 A1 discloses in figures 2,3, and 5 a manipulator comprising a device for fastening a cable set 11-16 in an opening (not numbered) within the manipulator, said device comprising a lid 9 and a holder 8. The manipulator inherently further comprises a control system. EP 0 489 966 A1 discloses the basic apparatus but does not disclose said lid having removable sections. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus of EP 0 489 966 A1 to provide said lid having sections, since it has been held that constructing a formerly integral structure in various elements involves only routine skill in the art. *Nerwin v. Erlichman*, 168 USPQ 177, 179 (PTO Bd. of INT. 1969). The sections of the modified lid are inherently removable.

Regarding claims 27 and 28, the holder is inherently detachably fixed to the opening.

3. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over EP 0 489 966 A1 in view of Bohler et al.

EP 0 489 966 A1 discloses the basic apparatus as previously cited but does not disclose said holder fixed with a hose clamp. However, Bohler et al. teaches in figure 3, a removable

Art Unit: 3682

cover 14 fixed to an edge 22 of an opening by a locking clamp 16. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus of EP 0 489 966 A1 in view of the teachings of Bohler et al. to include a locking clamp to fix the holder and lid to the manipulator so as to improve the connection therebetween and thus improve the resistance of contamination across the opening.

4. Claims 29,30, and 32-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP 0 489 966 A1 in view of Stolzman.

EP 0 489 966 A1 discloses the basic apparatus as previously cited but does not disclose said holder comprising a collar having a U-shaped cross section. However, Stolzman teaches in The Figure a closure mechanism for covering an opening; said closure comprising a collar having a U-shaped cross section. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus of EP 0 489 966 A1 in view of the teachings of Stolzman to provide said holder having a U-shaped collar to provide a pair of spaced legs so as to clamp the edge of the opening and sealingly connect the holder and the opening.

5. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over EP 0 489 966 A1 in view of Bohler et al.

EP 0 489 966 A1 in view of Stolzman discloses the basic apparatus as previously cited but does not disclose said holder fixed with a hose clamp. However, Bohler et al. teaches in figure 3, a removable cover 14 fixed to an edge 22 of an opening by a locking clamp 16.

Art Unit: 3682

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus of EP 0 489 966 A1 in view of the teachings of Bohler et al. to include a locking clamp to fix the holder and lid to the manipulator so as to improve the connection therebetween and thus improve the resistance of contamination across the opening.

***Response to Arguments***

6. Applicant's arguments filed 09 October 2003 have been fully considered but they are not persuasive. The holder of EP 0 489 966 A1 is inherently detachably fixed to an edge of the opening; any one element regardless of how it is attached to another element is inherently detachable therefrom. Also, it would be obvious to one of ordinary skill in the art to make a previously integral element from a plurality of elements; and after such a modification, the plurality of elements themselves would be inherently detachable or removable (as presently claimed).

The examiner recognizes that references cannot be arbitrarily modified and that there must be some reason why one skilled in the art would be motivated to make the proposed combination. *In re Nomiya*, 184 USPQ 607 (CCPA 1975). However, there is no requirement that a motivation to make the modification be expressly articulated. *In re Simon*, 174 USPQ (CCPA 1972); *In re McLaughlin*, 170 USPQ 209 (CCPA 1971). References are evaluated by what they suggest to one versed in the art, rather than by their specific disclosures. *In re Bozek*, 163 USPQ 545 (CCPA 1969). As such the modifications to the holder of EP 0 489 966 A1 are applicable and within the level of one of ordinary skill in the art.


Art Unit: 3682

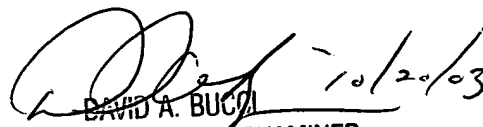
*Conclusion*

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy P McAnulty whose telephone number is 703.308.8684. The examiner can normally be reached on Monday-Friday (7:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bucci can be reached on 703.308.3668. The fax phone numbers for the organization where this application or proceeding is assigned are 703.872.9326 for regular communications and 703.872.9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.308.1113.

tpm   
October 17, 2003

  
DAVID A. BUCCI  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600